

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

ORDER: 96-122

SITE CLEANUP REQUIREMENTS FOR:

FACCIOLA MEAT COMPANY

for the property located in the

RAVENSWOOD INDUSTRIAL AREA
EAST PALO ALTO, SAN MATEO COUNTY

The California Regional Water Quality Control Board, San Francisco Bay Region (hereinafter called the Board), finds that:

BACKGROUND

1. **Site Description:** The Facciola Meat Company (FMC) property (Site) is an undeveloped 29 acre parcel of land located at the northern end of Demeter Street within the Ravenswood Industrial Area of East Palo Alto (see Figure 1). The property is bound on the west by residential housing and a former rail spur, on the south by the remaining portion of the Ravenswood Industrial Area, and on the east and north by tidal and non-tidal wetlands. The northern 18 acres of the parcel are wetlands which remain undisturbed.
- 1.2 **Site History:** The Site has remained undeveloped and has only seen minimal agricultural usage. Although the property is fenced, unauthorized dumping of garbage, old cars and other debris has occurred.
- 1.3 **Filling Activities:** Approximately 11 acres on the southwestern portion of the property have been filled in preparation for development. It is thought that two filling activities occurred on the property, one before the 1950s and the other in 1986. The earlier fill was brought in to fill the wetland which previously existed. The second filling occurred in 1986 when fill generated by construction at Stanford University and the Santa Clara Valley Medical Center was brought to the property by FMC to raise grade and prepare the site for construction of a meat packaging plant. This 1986 fill includes that referred to as the "Bermed Ring" fill on Figure 2. Additionally, a covered culvert was installed in the drainage ditch at the southwestern end of the

property at approximately the time the "Bermed Ring" fill was placed. Some of the "Bermed Ring" fill material may have been used to backfill the drainage ditch for installation of the culvert.

REGULATORY HISTORY

2. On April 15, 1992, the California Regional Water Quality Control Board, San Francisco Bay Region, adopted Site Cleanup Requirements (SCR) Order 92-037 for several parcels in the Ravenswood Industrial Area. These parcels comprise about 70 percent of the total acreage. SCR Order 92-037 was later amended by SCR Order 92-086 to include all other properties located in the Ravenswood Industrial Area. These SCR Orders contain tasks required to evaluate if soil and/or groundwater pollution has occurred by past or present site use activities. The Orders named each of the individual property owners as dischargers because of their current ownership of the properties and required that they comply with all requirements for their individual parcels.
- 2.1. **Named Dischargers:** Robert Facciola was named as a discharger of the FMC in Orders 92-037 and 92-086 and was required to submit a Site and Chemical Use History and Workplan for Investigation as well as implement the Workplan and propose additional action if necessary. Facciola has complied with the requirements of these Orders. Information submitted to the Board at the time SCR Orders 92-037 and 92-086 were adopted inaccurately indicated that Robert Facciola was the owner of the subject property and was therefore named as a discharger in these Orders. Additional information recently submitted to the Board indicates that the property is owned by the Facciola Meat Company. This Order names Facciola Meat Company as a discharger based on its current ownership of the property. Should property ownership change, this Order shall be amended to remove FMC as a discharger and include the new property owner as the discharger requiring the new owner comply with the Order.

RESULTS OF INVESTIGATION

3. The investigation conducted pursuant to SCR Orders 92-037 and 92-086 consisted of collecting 6 soil samples from the "Bermed Ring" fill and compositing them into 3 samples for analysis; collecting 2 samples from the drainage ditch at the southern end of the property; and, collecting one composite from areas of obvious garbage dumping (Figure 2). Groundwater samples were not proposed in this phase of investigation. Soil samples were analyzed for: petroleum hydrocarbons, BTEX, semi-volatiles, metals, polychlorinated biphenyls (PCBs) and organochlorine pesticides.
- 3.1 The only pollutants detected from the investigation were low levels of PCBs which appear to be from the fill brought onto the property in 1986. The three composite

samples from the "Bermed Ring" fill ranged in concentrations from 760 to 1200 ug/kg total PCBs, slightly above the Preliminary Remediation Goal for industrial sites established by the U.S. Environmental Protection Agency. The two samples collected from the drainage ditch also contained PCBs ranging in concentration from 100 to 200 ug/kg. It is thought that the PCBs in the drainage ditch sediments originated from the "Bermed Ring" fill material. In Order to further define their lateral extent and to determine if the "Eastern Slough" channel (see Figure 2) had been affected, three additional sediment samples were collected within the "Eastern Slough". No detectable concentrations of PCBs were found within the "Eastern Slough" channel.

ADDITIONAL ACTION NECESSARY

4. The discharger has conducted investigations pursuant to the approved Workplan as well as additional sampling to define the extent of the PCB pollution in the slough channels. The property is currently fenced and the "Bermed Ring" fill vegetated, inhibiting storm water runoff from carrying additional sediments to the drainage ditch and to the adjacent Eastern Slough channel. The vegetation also reduces migration of pollutants via airborne dust. In its present condition the "Bermed Ring" fill does not appear to pose a significant threat to human health or the environment. The PCBs detected in the drainage ditch at the southern end of the property were most likely deposited during filling activities, are very limited in extent and also do not appear to pose a significant water quality threat. The discharger has indicated that the fill will be managed on the property after development.
- 4.1 Under current site conditions the PCB affected soils appear to be stable and do not pose a significant threat to human health or the environment. During future development of the property the affected soil will be regraded and managed onsite. The final grading program must include erosion control measures to insure that the PCB affected soil is not discharged to the adjacent wetland and surface waters either during or after regrading. Additionally, to reduce exposure and prevent migration of the affected soil after development, the soil will be consolidated under structures, roads, etc.
5. **Scope of Order:** This Order requires the discharger to submit a management plan for affected soil prior to development of the property. In addition, any grading activities that take place on the property must incorporate erosion control measures to assure that PCB affected soil are not discharged to the adjacent wetlands or surface waters.
6. **Basin Plan:** The Board adopted a revised Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan) on June 21, 1995. This updated and consolidated plan represents the Board's master water quality control planning document. The revised Basin Plan was approved by the State Water Resources Control Board and the Office of Administrative Law on July 20, 1995, and November 13, 1995, respectively.

A summary of regulatory provisions is contained in 23 CCR 3912. The Basin Plan defines beneficial uses and water quality objectives for waters of the State, including surface waters and groundwaters.

The potential beneficial uses of groundwater underlying and adjacent to the site include:

- a. Municipal and domestic water supply
- b. Industrial process water supply
- c. Industrial service water supply
- d. Agricultural water supply

At present, there is no known use of groundwater underlying the site for the above purposes.

The existing and potential beneficial uses of South San Francisco Bay include:

- a. Water contact and non-contact recreation
- b. Wildlife habitat
- c. Fish migration and spawning
- d. Navigation
- e. Estuarine habitat
- f. Shellfish harvesting
- g. Preservation of rare and endangered species

7. **Basis for 13304 Order:** The discharger has caused or permitted waste to be discharged or deposited where it is or probably will be discharged into waters of the State and creates or threatens to create a condition of pollution or nuisance.
8. **Cost Recovery:** Pursuant to California Water Code Section 13304, the discharger is hereby notified that the Board is entitled to, and may seek reimbursement for, all reasonable costs actually incurred by the Board to investigate unauthorized discharges of waste and to oversee cleanup of such waste, abatement of the effects thereof, or other remedial action, required by this order.
9. **CEQA:** This action is an order to enforce the laws and regulations administered by the Board. As such, this action is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15321 of the Resources Agency Guidelines.
10. **Notification:** The Board has notified the discharger and all interested agencies and persons of its intent under California Water Code Section 13304 to prescribe site

cleanup requirements for the discharge, and has provided them with an opportunity to submit their written comments.

11. **Public Hearing:** The Board, at a public meeting, heard and considered all comments pertaining to this discharge.

IT IS HEREBY ORDERED, pursuant to Section 13304 of the California Water Code, that the discharger (or its agents, successors, or assigns) shall cleanup and abate the effects described in the above findings as follows:

A. PROHIBITIONS

1. The discharge of wastes or hazardous substances in a manner which will degrade water quality or adversely affect beneficial uses of waters of the State is prohibited.
2. Further significant migration of wastes or hazardous substances through subsurface transport to waters of the State is prohibited.
3. Activities associated with the subsurface investigation and cleanup which will cause significant adverse migration of wastes or hazardous substances are prohibited.

B. TASKS

1. **TASK: SUBMIT SITE MANAGEMENT PLAN FOR AFFECTED SOIL**
DUE DATE: at least 90 days prior to commencement of work

Description: The discharger, prior to development of the property shall submit a technical report acceptable to the Executive Officer containing a site management plan for affected soil. The site management plan will propose placement of affected soil under structures in order to minimize exposure and prevent affected soil from discharging to the adjacent wetlands and surface waters.

2. **TASK: SUBMIT GRADING EROSION CONTROL PLAN**
DUE DATE: at least 90 days prior to any grading activities

Description: The discharger, prior to any grading activities on the property shall submit a technical report acceptable to the Executive Officer containing an erosion control plan capable of preventing migration of affected soil to the adjacent wetlands and surface waters.

C. PROVISIONS

1. **No Nuisance:** The storage, handling, treatment, or disposal of polluted soil or groundwater shall not create a nuisance as defined in California Water Code Section 13050(m).
2. **Good Operation and Maintenance (O&M):** The discharger shall maintain in good working order and operate as efficiently as possible any facility or control system installed to achieve compliance with the requirements of this Order.
3. **Cost Recovery:** The discharger shall be liable, pursuant to California Water Code Section 13304, to the Board for all reasonable costs actually incurred by the Board to investigate unauthorized discharges of waste and to oversee cleanup of such waste, abatement of the effects thereof, or other remedial action, required by this Order. If the site addressed by this Order is enrolled in a State Board-managed reimbursement program, reimbursement shall be made pursuant to this Order and according to the procedures established in that program. Any disputes raised by the discharger over reimbursement amounts or methods used in that program shall be consistent with the dispute resolution procedures for that program.
4. **Access to Site and Records:** In accordance with California Water Code Section 13267(c), the discharger shall permit the Board or its authorized representative:
 - a. Entry upon premises in which any pollution source exists, or may potentially exist, or in which any required records are kept, which are relevant to this Order.
 - b. Access to copy any records required to be kept under the requirements of this Order.
 - c. Inspection of any monitoring or remediation facilities installed in response to this Order.
 - d. Sampling of any groundwater or soil which is accessible, or may become accessible, as part of any investigation or remedial action program undertaken by the discharger.
5. **Contractor / Consultant Qualifications:** All technical documents shall be signed by and stamped with the seal of a California registered geologist, a

California certified engineering geologist, or a California registered civil engineer.

6. **Lab Qualifications:** All samples shall be analyzed by State-certified laboratories or laboratories accepted by the Board using approved EPA methods for the type of analysis to be performed. All laboratories shall maintain quality assurance/quality control (QA/QC) records for Board review. This provision does not apply to analyses that can only reasonably be performed on-site (e.g. temperature).

7. **Document Distribution:** Copies of all correspondence, technical reports, and other documents pertaining to compliance with this Order shall be provided to the following agencies:

- a. City of East Palo Alto, City Manager
- b. San Mateo County Health Department
- c. Cal/EPA-Department of Toxic Substances Control

The Executive Officer may modify this distribution list as needed.

8. **Reporting of Changed Owner or Operator:** The discharger shall file a technical report on any changes in site occupancy or ownership associated with the property described in this Order.
9. **Reporting of Hazardous Substance Release:** If any hazardous substance is discharged in or on any waters of the State, or discharged or deposited where it is, or probably will be, discharged in or on any waters of the State, the discharger shall report such discharge to the Regional Board by calling (510) 286-1255 during regular office hours (Monday through Friday, 8:00 to 5:00).

A written report shall be filed with the Board within five working days. The report shall describe: the nature of the hazardous substance, estimated quantity involved, duration of incident, cause of release, estimated size of affected area, nature of effect, corrective actions taken or planned, schedule of corrective actions planned, and persons/agencies notified.

This reporting is in addition to reporting to the Office of Emergency Services required pursuant to the Health and Safety Code.

10. **Periodic SCR Review:** The Board will review this Order periodically and may revise it when necessary. The discharger may request revisions and upon

review the Executive Officer may recommend that the Board revise these requirements.

I, Loretta K. Barsamian, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on September 18, 1996.

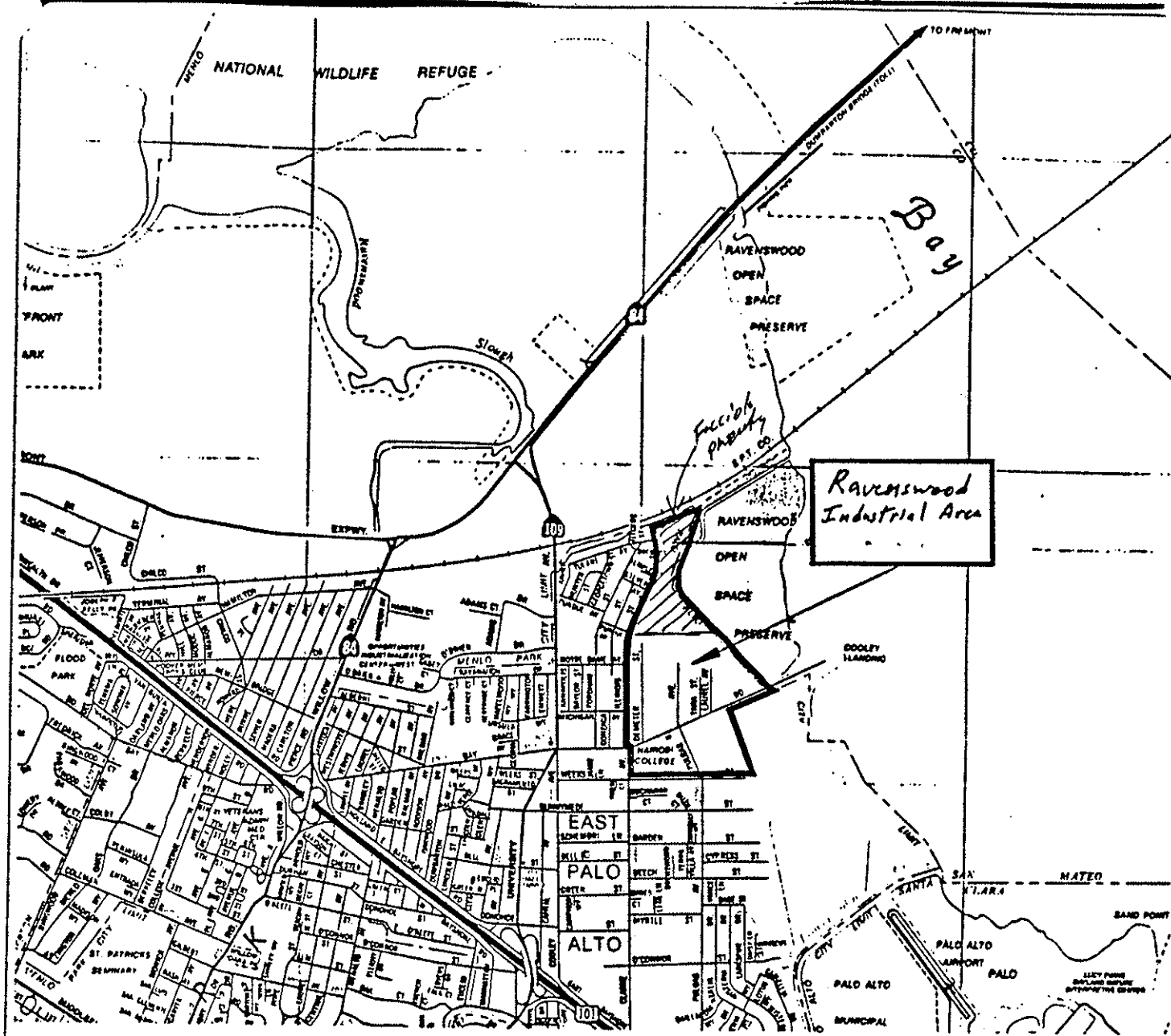


Loretta K. Barsamian
Executive Officer

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FAILURE TO COMPLY WITH THE REQUIREMENTS OF THIS ORDER MAY
SUBJECT YOU TO ENFORCEMENT ACTION, INCLUDING BUT NOT LIMITED TO:
IMPOSITION OF ADMINISTRATIVE CIVIL LIABILITY UNDER WATER CODE
SECTIONS 13268 OR 13350, OR REFERRAL TO THE ATTORNEY GENERAL FOR
INJUNCTIVE RELIEF OR CIVIL OR CRIMINAL LIABILITY

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Source: California State Automobile Association (1991)

**Erler &
Kalinowski, Inc.**

Project Location Map

(Approximate Scale in Feet)

Notes:

1. All locations are approximate.

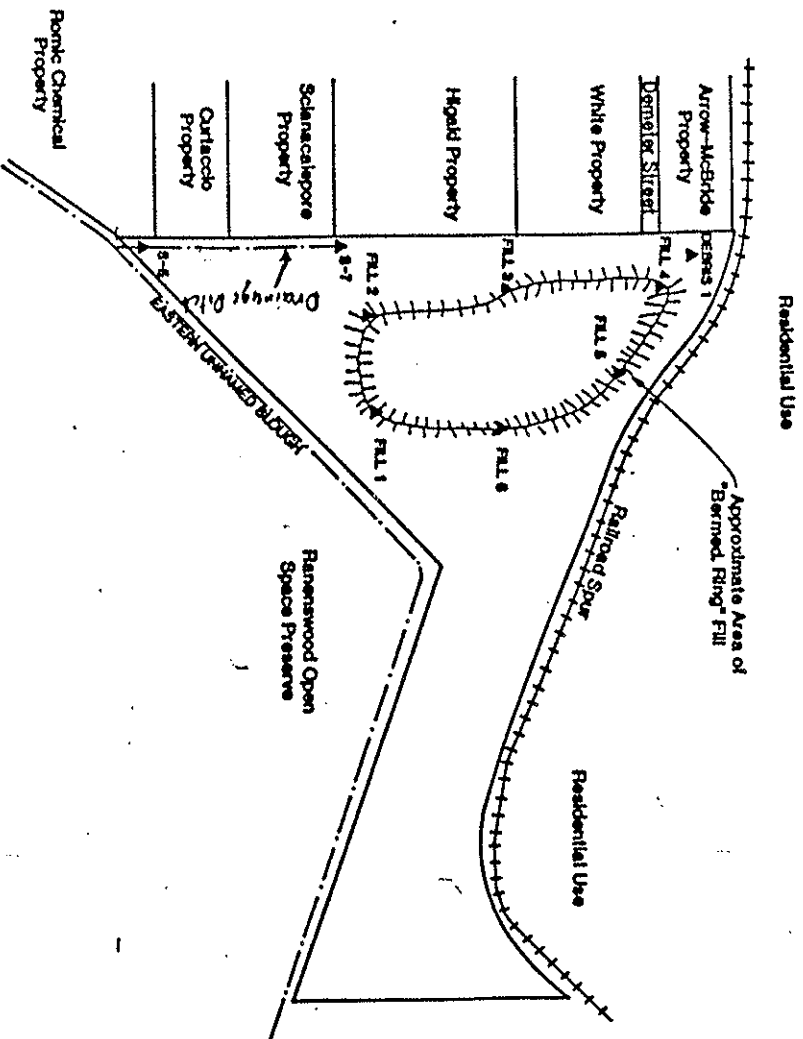
IDEA
East Palo Alto, CA
March 1993
EKI 920050.00
Figure 1



▲ SOIL/SEDIMENT SAMPLING LOCATION (DISCRETE)



BASE: Provided by Eiler & Kallinowski, Inc., updated



HARZA KALDYVEER
Consulting Engineers

SITE LOCATION MAP

FRACCOLA PROPERTY
East Palo Alto, California

PROJECT NO. DATE FILE
KE1477-1-2022 September 1993